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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,372	08/08/2001	Thomas I. Rogan	67,010-005; H2602-FN	2154
26096	7590	07/12/2005		
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER BAYAT, BRADLEY B	
			ART UNIT 3621	PAPER NUMBER

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,372

Applicant(s)

ROGAN ET AL.

Examiner

Bradley B. Bayat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 1-23 remain pending.

Response to Arguments

In view of the appeal brief filed on May 2, 2005, PROSECUTION IS HEREBY REOPENED.

Although the cited reference indicates use of standard EDI technology, such as X.12 856 transmission protocols which provide dynamic modular functionality of the claimed limitations argued and are well known in the art (column 3, lines 17-25); for purposes of clarity for the applicant and the prosecution record, a new ground of rejection is hereby set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-15, 17 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savino et al., (Savino, 6,015,167) in view of Sandhu et al., US 2002/0116241 A1 (hereinafter Sandhu).

As per claims 1, 6, 7, 10-15, 17 and 20-23, Savino discloses a method and system of electronically handling transactions, comprising the steps of: establishing a transaction identifier that is used during all stages of an order-to-cash trading cycle; electronically storing the transaction identifier such that the identifier is remotely accessible by a plurality of users; linking supplier information with the transaction identifier; linking purchaser information with the transaction identifier (columns 3-4, figures 1, 4, 5 and associated text). Although Savino discloses an embodiment wherein "a customer or supplier can easily access shipping and receiving status information pertaining to purchase orders and parts shipped (column 5, lines 18-21), it does not explicitly disclose updating status information indicating the status of the transaction during a corresponding phase of the transaction and linking the status information to the transaction identifier.

Sandhu, however, teaches a method in which a purchaser can monitor the updated status of each purchase order with suppliers to track various phases between the order and delivery process (¶8-12, 16-32). Sandhu further teaches an interrelated modular method and system of creating, tracking, processing, monitoring, tracking and shipping orders between sellers and buyers used to update shipping orders, track inventories, forecast future purchase orders, update information regarding distribution of orders and access information to properly plan for utilizing

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the ordered product in an efficient and cost-effective manner (§§30-32). Sandhu teaches the use of and ERP and EDI modular software mechanism to seamlessly and automatically integrate and link information with regards to the various phases of the purchase-order process between a buyer and supplier (§§17-22). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine and utilize Sandhu's ERP system to coordinate shipping and receiving information by integrating, updating and tracking the status of various phases during a purchase order transaction to ensure accuracy and efficiency as per the objectives of Savino.

2. Savino further discloses the method of claim 1, including automatically providing at least selected portions of the information linked to the transaction identifier to a user (column 2, lines 21-35).

3. Savino further discloses the method of claim 1, including providing at least selected portions of the information linked to the transaction identifier to a user responsive to the user accessing the transaction identifier (column 2, lines 21-35; figure 3 and associated text).

8. Savino further discloses the system of claim 7, wherein the transaction identifier comprises a single bar code representing a number (figure 3, 5 and associated text).

9. Savino further discloses the system of claim 8, wherein the transaction identifier includes information identifying a customer, a purchase order number, shipment release number and packing slip number (column 4, lines 1-35, figure 3, 5 and associated text).

Claims 4, 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savino and Sandhu as applied to claim 1 above and in further view of “The Role of Electronic Commerce Technologies in Just-In-Time Replenishment” by Robert Johnston and Ruby Lee (hereinafter Johnston, ISBN 0-8186-7862-3/97) published in 1997.

As per claims 4, 5, 16, Savino discloses a method of electronically handling transactions, comprising the steps of: establishing a transaction identifier that is used during all stages of an order-to-cash trading cycle; electronically storing the transaction identifier such that the identifier is remotely accessible by a plurality of users; linking supplier information with the transaction identifier; linking purchaser information with the transaction identifier (columns 3-4, figures 1, 4, 5 and associated text. Although Savino discloses that an embodiment wherein “a customer or supplier can easily access shipping and receiving status information pertaining to purchase orders and parts shipped (column 5, lines 18-21), it does not explicitly disclose updating status information indicating the status of the transaction during a corresponding phase of the transaction and linking the status information to the transaction identifier.

Sandhu, however, teaches a method in which a purchaser can monitor the updated status of each purchase order with suppliers to track various phases between the order and delivery process (§16-32). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine and utilize Sandhu’s ERP system to coordinate shipping and receiving information by integrating, updating and tracking the various phases during a purchase order transaction to ensure accuracy and efficiency as per the objectives of Savino.

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Although Savino and Sandhu do not explicitly disclose a payment mechanism for their electronic commerce purchase and shipping process disclosed, Johnston teaches how automatically determining and facilitating payment from a customer to a supplier can be accomplished responsive to a selected portion of the transaction (§3-7.2). It would have been obvious for one of ordinary skill in the art at the time of the invention to automatically pay a supplier via an EFT, EDI or any electronic commerce payment system known in the art upon confirmation of receipt as taught by Sandhu in order to eliminate the accounts payable function and promote efficient, cost effective and timely coordination of the purchase order process from order to payment. In fact, Johnston's 1997 overview of electronic commerce order taking, production planning and payment process used by the automotive industry is strikingly similar to Savino and Sandhu's barcode generation and tracking process with the added feature of an automatic payment mechanism in order to eliminate the accounts payable function.

Claims 18-19 are directed to a computer readable medium of the above claimed subject matter and is correspondingly rejected as above.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as

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potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Patent No. 6,505,094 B2 to Pape et al.
- Patent No. 6,529,797 B2 to Williams et al.
- “Leveraging Traditional EDI Investment Using the Internet: A Case Study.”
- “Recent Trends in Logistics and the Need for real-Time Decision Tools in the Trucking Industry.”
- A Practical Approach to Web-Based Internet EDI.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday-Friday 8am-6: 30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bbb

James Bael
Primary Examiner
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